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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,257	03/09/2001	Oliver W. Gamble	3670-4002	7057
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OLIVER W. GAMBLE 436 EAST 75TH STRET NEW YORK, NY 10021		EXAMINER CHOW, MING		
		ART UNIT PAPER NUMBER		
		2645		

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,257

Applicant(s)

GAMBLE, OLIVER W.

Examiner

Ming Chow

Art Unit

2645

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-87, 91, 94, 96, 100, 107, 108 and 111-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-87, 91, 94, 96, 100, 107, 108 and 111-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Objections

1. Claim 56 recites "the future behavior" (line 3-4). There is insufficient antecedent basis for this limitation in the claim.
2. Claim 78 recites "the form of DTMF-tones" (line 7), "the existence" (line 12). There is insufficient antecedent basis for this limitation in the claim.
3. Claim 80 recites "the sequence" (line 5). There is insufficient antecedent basis for this limitation in the claim.
4. Claims 94, 96 recite "the future behavior" (line 1). There is insufficient antecedent basis for this limitation in the claim.
5. Claim 96 recites "the form of information" (line 3-4), "the reception" (line 7), "the target device" (line 13). There is insufficient antecedent basis for this limitation in the claim.
6. Claim 107 recites "the order" (line 3), "the tones" (line 3), "the string" (line 4). There is insufficient antecedent basis for this limitation in the claim.

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7. Claim 108 recites "the remote appliance" (line 3). There is insufficient antecedent basis for this limitation in the claim.

8. Claims 111, 112 recite "the behavior" (line 1). There is insufficient antecedent basis for this limitation in the claim.

9. Claim 113 recites "the a remote location" (line 11-12). There is insufficient antecedent basis for this limitation in the claim.

10. Claim 115 recites "the received input" (line 9), "the process information" (line 12), "the future behavior" (line 18). There is insufficient antecedent basis for this limitation in the claim.

11. Claim 116 recites "the communication" (line 5), "said incoming instructions" (line 6), "the behavior" (line 9). There is insufficient antecedent basis for this limitation in the claim.

12. Claim 117 recites "the future behavior" (line 1). There is insufficient antecedent basis for this limitation in the claim.

13. Claim 118 recites "the received input" (line 9), "the process information" (line 12), "a valid the access code" (line 14), "the future behavior" (line 18). There is insufficient antecedent basis for this limitation in the claim.

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14. Claim 119 recites "the behavior" (line 1), "the reception of instruction" (line 2). There is insufficient antecedent basis for this limitation in the claim.

15. Claim 120 recites "the future behavior" (line 1). There is insufficient antecedent basis for this limitation in the claim.

16. Claim 122 recites "the behavior" (line 1). There is insufficient antecedent basis for this limitation in the claim.

17. Claim 123 recites "the future behavior" (line 1), "the form" (line 3), "the server" (line 5). There is insufficient antecedent basis for this limitation in the claim.

18. Claim 124 recites "the order" (line 3). There is insufficient antecedent basis for this limitation in the claim.

19. Claim 125 recites "the ability" (line 15), "the future behavior" (line 16). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claim 56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “said device” (line 19) is not clearly defined. It is unclear the claimed refers to “a specific device” (line 2) or “a target device” (line 16).

21. Claim 115 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “the access code” (line 3; *in singular format*) is not clearly defined. Claim 115 claimed “access codes” (*in plural format*). It is unclear which specific “access code” is referred among the claimed “access codes”.

Also, the term “a valid the access code” (line 14) is unclear what is referred.

22. Claim 119 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the future behavior a targeted appliance” is confusing. The Examiner cannot understand this limitation.

23. Claim 120 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “a means a server” (line 4) is confusing. The Examiner cannot understand this limitation.

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24. Claim 121 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “a controlling said appliance” (line 13) is confusing. The Examiner cannot understand this limitation.

25. Claim 122 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the behavior at least one remotely located appliance” (line 1-2) and “a controlling said appliance” (line 13) are confusing. The Examiner cannot understand these limitations.

26. Claim 123 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the future behavior one remotely located appliance” (line 1-2) and “should be take” (line 5), “communication a remote location” (line 9), “correctly targeted” (line 12), “a for said information” (line 15) are confusing. The Examiner cannot understand these limitations.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

27. Claims 67, 70, 81, 111 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim claimed input terminals, central computer, device at the remote location, and a target appliance. The claimed limitations are, instructional information is inputted from the input terminal and forwarded to the central computer, device at the remote location, and further conveyed to the appliance. However, the current specification does not support such an information forwarding chain in sequence among the four different units. See Fig. 6 of current application.

28. Claim 100 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The phrase “the processor within the targeted appliance.....processing electrical pulses that encode instruction” is not supported by the specification. The limitation is interpreted as “the processor processes electrical pulses and encode instructions”. The specification does not support that the processor within the appliance encodes the instructions.

29. Claims 111, 112 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The phrase “time delayed instructions” is not supported by the specification. There is no definition in the current specification regarding this claimed limitation.

The phrase “validating and processing incoming instructions” is not supported by the specifications. The current specification does not support validating content of the incoming instructions.

30. Claim 123 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The phrase “a means for the server to determine when action should be take on the information” (line 5) is not supported by the specification. The current specification does not support “the server determines when action should be take”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

31. Claims 56, 67, 78, 81, 91, 94, 96, 108, 111, 113, 116, 117, 120, 123, 57, 68, 79, 107, 58, 69, 80, 100, 124, 59, 60, 61, 62, 70, 71 72, 73, 83, 63, 74, 84, 65, 76, 86, 66, 77, 82, 87, 121 are rejected under 35 U.S.C. 102(b) as being anticipated by Noonen et al (US: 5761280).

Regarding claims 56, 67, 78, 81, 91, 94, 96, 108, 111, 113, 116, 117, 120, 123, Noonen et al teach on item 10 Fig. 1, interface (claimed “central computer”).

Noonen et al teach on items 28, 25 Fig. 1, Fig. 5, column 3 line 12-13, a keypad with a plurality of keys (claimed “a plurality of remote data entry points”) associating with number 0-9 (claimed “a plurality of remote data entry modes”).

Noonen et al teach on column 5 line 11-13, the interface receives DTMF code and stores in the memory (claimed “a central computer able to process and store instructions”).

Noonen et al teach on column 5 line 38-39, the interface establishes a connection with an internet site (reads on claimed “instructions are authorized to be accepted and forwarded”). In other words, if instructions are not authorized to be accepted and forwarded, connection is not established. Noonen et al teach on column 6 line 3-4, communicating with the URL (reads on claimed “remote location” and “a target device”).

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Noonen et al teach on column 6 line 3-7, graphical data received from URL based on the hyperlink (the hyperlink/instruction controls which URL content to be provided; claimed “instructions will control said device future behavior”).

Regarding claims 57, 68, 79, 107, Noonen et al teach on column 3 line 6-7, protocols for translating DTMF tones.

Regarding claims 58, 69, 80, 100, 124, Noonen et al teach on Fig. 2, Fig. 3, order of DTMF tones and associated generated instructional coding.

Regarding claims 59, 60, 61, 62, 70, 71 72, 73, 83, rejections as stated in claim 56 above apply.

Noonen et al teach on item 24 Fig. 4, Fig. 5, a telephone (claimed “a remote data entry terminal”).

Noonen et al teach on column 5 line 38-39, the interface establishes a connection with an internet site (claimed “determining whether communication between a central computer and a remote site is established”).

Regarding claims 63, 74, 84, Noonen et al teach on column 2 line 38, internet.

Regarding claims 65, 76, 86, the DTMF tones are audio signals.

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Regarding claims 66, 77, 82, 87, 121, the DTMF tones are electrical signals for transmission. There must be a cable (wiring) for DTMF signal transmissions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 64, 75, 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noonan et al as applied to claim 60 above, and in view of Irie (JP: 410126494).

Noonan et al failed to teach “converting said.....incoming instructions”, However, Irie teaches on SOLUTION – converting DTMF command signals to infrared signals by a telephone set.

It would have been obvious to one skilled at the time the invention was made to modify Noonan et al to have the “converting said.....incoming instructions” as taught by Irie such that the modified system of Noonan et al would be able to support the converting DTMF to IR to the system users.

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33. Claims 112, 114, 115, 118, 119, 122, 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noonen et al, and in view of Chang et al (US: 5974449).

Regarding claims 112, 114, 115, 122, all rejections as stated in claim 56 above apply.

Noonen et al failed to teach “authorizing password”. However, Chang et al teach on column 9 line 53-57, password is entered through telephone keypad by DTMF tones.

It would have been obvious to one skilled at the time the invention was made to modify Noonen et al to have the “authorizing password” as taught by Chang et al such that the modified system of Noonen et al would be able to support the system users conveniences of authorizing by a password.

Regarding claim 118, rejections as stated in claims 63 and 112 above apply.

Regarding claims 119, 125, rejections as stated in claim 112 above apply.

Regarding “a remote location identifier”. It is inherent that the information must contain the remote location identifier in order to transmit the information.

Conclusion

34. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

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- US: 6144848.

35. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

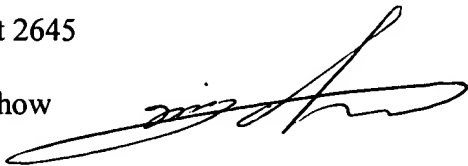
Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

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Ming Chow

A handwritten signature in black ink, appearing to read 'Ming Chow', is written over the printed name.